

In the Court of Appeals of the State of Alaska

Michael Cooksey,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals No. **A-13351**

Order

Motion to Reclassify

Date of Order: **1/4/2021**

Trial Court Case No. **3PA-16-01874CR**

The State has filed a motion asking this Court to reclassify this matter as a merit appeal under Appellate Rule 204. Currently, the matter is classified as a sentence appeal under Appellate Rule 215. The State explains that after the case was filed under Rule 215, the Appellant — Michael Joseph Cooksey — supplemented his points on appeal to include a claim that the trial court erred in finding that the Appellant violated a condition of his parole. This type of merit claim on appeal arises under Rule 204.

The Appellate has not filed an opposition to the State's motion, but the Court notes that the State did not file its motion until after Cooksey's opening brief had already been filed. Because the State did not file its motion until after Cooksey's opening brief was filed, Cooksey's opening brief was limited under Rule 215 to 25 pages.

IT IS ORDERED:

1. The motion to reclassify this matter as a merit appeal under Appellate Rule 204 is **GRANTED**. However, under Appellate Rule 521, to avoid an injustice, the Court limits the State's brief to 25 pages — the same limit Rule 215 placed on Cooksey's opening brief. If the State finds it necessary, it may request to file an over-length brief.

2. Within 20 days after the State files its brief, Cooksey shall file a reply brief or a notice that no reply will be filed.

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts



Sarah Anderson, Deputy Clerk

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